

REMARKS

In the present Office Action, dated April 4, 2006 claims 1-6, 8, 9, and 87 are pending in the Application. These same claims have been variously rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,539,395 B1 (Gjerdingen et al.) in view of U.S. Pat. No. 6,721741 (Eyal et al.). Applicants submit that the pending claims are patentable over the cited art in view of the following remarks.

Applicants address each point of objection and rejection raised by the Examiner in the order stated in the Office Action.

Telephonic Interview, Aug. 16th & 17th

The Undersigned contacted the Examiner to conduct a telephonic interview. The interview was conducted on Aug. 16, 2006, with a brief follow-up on Aug. 17, 2006, clarifying issues raised on the previous day (it is the understanding of the Undersigned that both conversations were part of the same interview process).

During the telephonic interview, the Undersigned and the Examiner came to a tentative agreement that the following added limitation defined over the cited art:

accessing a historical record containing at least one decision the user has made, wherein said at least one decision corresponds to said user musical preferences; and

restarting the playing of a new song according to said at least one decision in said historical record, wherein said playing of said new song results in re-capturing of musical properties of said new song and automatically running said new song properties through said song analysis and matching system.

Also, per the Examiner's request, the Undersigned fixed other minor issues dealing with antecedent basis and general grammar, in order to better recite the claimed subject matter. These changes are reflected above in the listing of the claims.

Claim Objections

The objections to claims 1, 2, and 3 have been addressed via amendment to the claims. The Applicants thank the Examiner for pointing out these issues.

Applicants contend, however, that claim 6 is in proper form. The Examiner has suggested that claim 6 be amended by deleting the term "the musical property" and adding

“the musical properties.” However, the term “the musical property” has proper antecedent basis:

6. A one step “get faster” personalization process in accordance with the method of claim 1 in which for **a given musical property**, the user may indicate an affinity for music whose corresponding attribute lies more in a specified direction for **the musical property**.

Drawings

A new sheet is submitted for Fig. 2, addressing minor errors – for example, the illustrated element of “automated classification” did not have a corresponding numbering disclosed in the written description:

Media entities, such as songs 210, from wherever retrieved or found, are classified according to human classification techniques at 220 and also classified according to automated computerized DSP classification techniques 230.

Specification, p. 8, ll. 3-5.

Rejection of claims 1-6, 8, 9, and 87 under § 103(a)

Claim 1, the only independent claim, recites the following subject matter (with the shown amendments):

A method for matching user musical preferences, comprising:
 providing a specific choice of user preferences in song content to a content provider,
 mapping the specific choice of user preferences in a song analysis and matching system using a set of fundamental musical properties that captures the user preferences in song content;
 scanning a database using the song analysis and matching system to find other songs that have a similar mapping of musical properties; and
 playing automatically to the a user other songs that have a similar mapping of musical properties; and
 accessing a historical record containing at least one decision the user has made, wherein said at least one decision corresponds to said user musical preferences; and
 restarting the playing of a new song according to said at least one decision in said historical record, wherein said playing of said new song results in re-capturing of musical properties of said new song and automatically running said new song properties through said song analysis and matching system.

The Applicants have added the above underlined limitation. Figure 8 provides direct support for this amendment (See also p. 15, ll. 25 – p. 16, ll. 22 of the Specification). The cited art simply does not disclose the accessing of a historical record and then upon restarting of a new

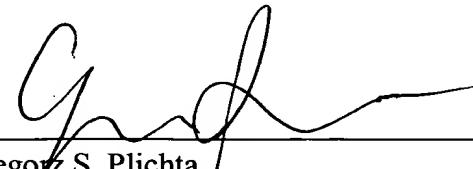
DOCKET NO.: MSFT-0577/167503.02
Application No.: 09/900,230
Office Action Dated: April 4, 2006

PATENT

song, using a song and analysis matching system to run musical properties.

In light of the aforementioned telephonic interview, the Applicants respectfully ask that the Examiner withdraw the rejection of claim 1, and hence all the dependent claims 2-6, 8-9 and 98 incorporating limitations therefrom. The applicants submit the claims have been placed in condition for allowance.

Date: September 5, 2006



Grzegorz S. Plichta
Registration No. 55,541

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439